Meeting of States Parties

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Report of the twentieth Meeting of States Parties

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I. Introduction

1. The twentieth Meeting of States Parties to the United Nations Convention on the Law of the Sea[1] was held in New York from 14 to 18 June 2010, in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken by the General Assembly at its sixty-fourth session (resolution 64/71, para. 28).

2. The Secretary-General of the United Nations addressed invitations to the Meeting to all States Parties to the Convention.[2] Invitations were also addressed to observers, including the International Seabed Authority and the Commission on the Limits of the Continental Shelf,[3] and to the President and the Registrar of the International Tribunal for the Law of the Sea.[4]

II. Organization of work

A. Opening of the Meeting and election of officers

3. Somduth Soborun (Mauritius), President of the nineteenth Meeting, opened the twentieth Meeting.

4. The Meeting elected Arif Havas Oegroseno (Indonesia) as President of the twentieth Meeting of States Parties, by acclamation.

5. The Meeting elected Eden Charles (Trinidad and Tobago), Oana Florescu (Romania), Namira Nabil Negm (Egypt) and Ingo Winkelman (Germany) as Vice-Presidents, by acclamation.

6. The President invited the Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations, to address the Meeting.

Statement by the Legal Counsel

7. The Legal Counsel, Patricia O'Brien, expressed satisfaction at the increase in the number of States parties to the Convention, called upon the Meeting to find a coherent and viable solution to the issue of the workload of the Commission on the limits of the Continental Shelf and urged States to deploy all efforts to ensure the effective implementation of the Convention at the national level. In that connection, she expressed the view that putting the Commission in a position to work on a full-time basis appeared to be the most efficient and effective option to address the workload of the Commission and allow it to discharge its functions.

Introductory remarks by the President

8. The President welcomed the new States parties, namely Chad and the Dominican Republic, and stressed the goal of universal participation in the Convention, recalling that the total number of parties, including the European Union, had reached 160 as at 14 June 2010. He expressed the view that both the international community and individual States benefited from a strong and

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] See rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4).

[3] See rule 18 of the Rules of Procedure.

[4] See rule 37 of the Rules of Procedure.

universally accepted and implemented international legal regime applicable to the oceans. Such a regime was essential for the maintenance of international peace and security as well as for the sustainable use of the ocean resources, navigation and protection of the marine environment.

B. Adoption of the agenda and organization of work

9. The President introduced the provisional agenda (SPLOS/L.63). Some delegations recalled that the nineteenth Meeting of States Parties had agreed to defer to a future Meeting the consideration of the inclusion of an agenda item concerning the relationship between the common heritage of mankind and article 121 of the Convention.[5] In that connection, it was further recalled that, even though no specific request had been made for its inclusion in the agenda of the twentieth Meeting, the item could be considered by the present or future Meetings. The Meeting then adopted the agenda, without amendments (SPLOS/211).

10. Following consultations with the Bureau, the President made proposals regarding the organization of work. The Meeting then approved the organization of work, on the understanding that it could be adjusted, as necessary, in order to ensure the efficient conduct of the discussions.

III. Credentials Committee

A. Appointment of the Committee

11. On 15 June 2010, pursuant to rule 14 of its Rules of Procedure, the Meeting appointed a Credentials Committee consisting of the following eight[6] States parties: Australia, Belize, Benin, Brazil, Finland, Ghana, Hungary and India. The Credentials Committee held an organizational meeting on the same day and elected Ebenezer Appreku (Ghana) as Chairperson by acclamation. The Committee also held a meeting on 16 June for the examination of credentials.

B. Report of the Committee

12. On 18 June, the Chairperson of the Credentials Committee introduced the report of the Committee (SPLOS/213). He indicated that the Committee had examined and accepted the credentials of representatives to the twentieth Meeting from 113 States parties. He also informed delegations that after the last meeting of the Credentials Committee, formal credentials had been received for the representatives of Argentina, Bahrain, Burkina Faso, Guatemala, Haiti, Mozambique, Nicaragua, Panama, Qatar and Tunisia. He added that information concerning the representatives from Senegal, Sierra Leone and the former Yugoslav Republic of Macedonia, as well as from the European Union, had also been received. The Meeting then approved the report of the Committee and accepted those additional credentials.

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[5] See SPLOS/203, para. 15.

[6] One nomination from the Asian regional group had not been received.

IV. Matters related to the International Tribunal for the Law of the Sea

A. Report of the Tribunal for 2009

13. The President of the Tribunal, Judge José Luis Jesus, introduced the annual report for 2009 (SPLOS/204) and provided an overview of the work of the Tribunal during the two sessions held in 2009, namely the twenty-seventh session (9-20 March) and the twenty-eighth session (21 September-2 October).

14. The President of the Tribunal recalled the recent passing away of Judge Paul Bamela Engo (Cameroon), who had been a member of the Tribunal for 12 years and had played a major role as a leading African delegate at the Third United Nations Conference on the Law of the Sea, and had also served as Chairman of the First Committee of the Conference.

15. He drew the attention of the Meeting to the fact that 43 out of the 160 States parties to the Convention had made a declaration concerning the procedure for the settlement of disputes relating to the interpretation or application of the Convention. He added that 29 out of those 43 States parties had selected the Tribunal as a means for the settlement of law of the sea disputes, recalling that the last two declarations to that effect had been those made by Switzerland and Angola.

16. The President of the Tribunal reported on the latest developments in the *case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean* and noted that the parties had reached a negotiated solution in 2009. The case had been discontinued on 16 December 2009 by an order of the Special Chamber of the Tribunal.

17. The President informed the Meeting of the two new cases before the Tribunal. Case No. 16, submitted on 14 December 2009, concerned the delimitation of the maritime boundary in the Bay of Bengal between Bangladesh and Myanmar, both of which had accepted the jurisdiction of the Tribunal for the settlement of the dispute.

18. Case No. 17 concerned a request by the International Seabed Authority for an advisory opinion of the Seabed Disputes Chamber regarding "the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area". In that connection, the President pointed out that it was the first request for an advisory opinion received by the Tribunal.

19. The President also recalled that, pursuant to article 3 of Annex VII to the Convention, the President of the Tribunal had the authority to appoint arbitrators at the request of one of the parties to a dispute submitted to an Annex VII arbitration whenever they did not agree on the choice of arbitrators, and that he had recently exercised that authority in the dispute concerning the delimitation of the maritime boundary between Bangladesh and India in the Bay of Bengal, at the request of Bangladesh. On the basis of that request, three arbitrators had been appointed to serve as members of the Annex VII arbitral tribunal instituted for the settlement of the dispute.

20. The President of the Tribunal referred to the Trust Fund to assist States in meeting expenses associated with the submission of cases to the Tribunal and expressed gratitude to the States that had made contributions to the fund.

21. He also recalled that Portugal had recently ratified the 1997 Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, bringing the number of States parties to that Agreement to 38. In that connection, he reiterated the call made by the General Assembly in paragraph 37 of its resolution 63/111, for States that had not yet done so to consider ratifying or acceding to the Agreement.

22. In relation to the efforts of the Tribunal to disseminate knowledge about the dispute settlement mechanisms established under the Convention, the President of the Tribunal informed the Meeting that in 2009 the Tribunal, in collaboration with the International Foundation for the Law of the Sea, had organized two regional workshops, in Putrajaya, Malaysia and Cape Town, South Africa. In 2009 and 2010, government officials from the Bahamas, Fiji, Georgia, India and Sierra Leone had benefited from the annual capacity-building and training programme on dispute settlement under the Convention that had been established by the Tribunal with the support of the Nippon Foundation.

23. Furthermore, in 2009, 16 interns from 15 countries had participated in the Tribunal's internship programme. Nine of the interns had benefited from a grant provided by the Korea International Cooperation Agency (KOICA).

24. The International Foundation for the Law of the Sea had held its third summer academy in 2009 on the theme "Uses and protection of the sea: legal, economic and natural science perspectives". The fourth summer academy was scheduled to be held at the Tribunal's premises from 25 July to 21 August 2010.

25. The President of the Tribunal informed the Meeting that the Tribunal had given further consideration to the establishment of a voluntary trust fund for training in the law of the sea and maritime fields to assist developing countries in participating in the Tribunal's internship programme and the summer academy. He also reported in that context that the terms of reference of the "Trust Fund for the law of the sea"[7] had been adopted, and that the Registrar had established the Trust Fund pursuant to regulation 6.5 of the Financial Regulations of the Tribunal.

26. In the discussions that followed, several delegations expressed appreciation for the important role of the Tribunal in the settlement of disputes and in the uniform interpretation and application of the Convention. Delegations took note of the two new cases before the Tribunal (see paras. 17 and 18 above). Some delegations noted that those cases represented, respectively, the first maritime boundary dispute before the Tribunal and the first request for an advisory opinion of the Seabed Disputes Chamber, a circumstance that marked an encouraging widening of the Tribunal's contribution to the development of the law of the sea. Several delegations underlined the efficiency of the Tribunal in handling the cases that had been submitted to it, and of its Registrar.

27. Some delegations noted with appreciation that the Registry had prepared working documents for the consideration of the Tribunal on various topical law of the sea matters, such as piracy and cables and pipelines.

28. Several delegations expressed their satisfaction with the capacity-building activities carried out by the Tribunal, in particular its regional workshops and internship programme, as well as the summer academy. It was noted that besides

[7] See SPLOS/205, paras. 31 and 32.

strengthening the understanding of the law of the sea and of the Convention, such initiatives contributed to raising awareness of the role of the Tribunal and would ultimately lead to a fuller utilization of its expertise. Japan stated that it would continue to support the activities of the Tribunal and noted with satisfaction the role played by the Nippon Foundation in supporting the capacity-building programme of the Tribunal in dispute settlement. The Republic of Korea expressed its intention to continue its support to the capacity-building programme of the Tribunal. The contributions of Japan and the Republic of Korea to the capacity-building activities of the Tribunal were praised by a number of States.

29. Several delegations took note of the increase in the number of States parties to the Agreement on the Privileges and Immunities of the Tribunal. Delegations also took note of the amendments to article 113, paragraph 3, and article 114, paragraphs 1 and 3, of the Rules of the Tribunal, which enable the Tribunal to determine whether a bond or other financial security should be posted with the detaining State or with the Registrar in cases concerning prompt release of vessels and their crew.

30. With regard to the case concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific, Spain, on behalf of the European Union, welcomed the Order to discontinue the case. The delegation of Chile also expressed its appreciation to the Tribunal for its efforts towards a successful outcome of the case.

31. In referring to the dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal, Bangladesh and Myanmar expressed their full confidence in the Tribunal. Myanmar also noted that the procedures of the Tribunal appeared to be less costly than those of arbitral tribunals. Bangladesh expressed its hope that other States would resolve their maritime delimitation disputes through the Tribunal.

32. Addressing the issue of outstanding contributions to the budget of the Tribunal, several delegations appealed to States in arrears to make their contributions promptly and in full.

33. The Meeting took note, with appreciation, of the report of the Tribunal for 2009.

B. Financial and budgetary matters

34. The President of the Tribunal introduced the financial and budgetary matters of the Tribunal, in particular the report on the financial periods 2007-2008 and 2009-2010 (SPLOS/205), the notes of the Tribunal on the nomination of a member and an alternate member to the staff pension committee of the Tribunal (SPLOS/206) and on the adjustment of the remuneration of members of the Tribunal (SPLOS/207 and Corr.1) and the draft budget proposals of the Tribunal for 2011-2012 (SPLOS/2010/WP.1).

35. In conformity with rule 54 of its Rules of Procedure, the Meeting established an open-ended working group of the whole on budgetary matters that was coordinated, at the request of the President, by the Vice-President, Ms. Negm. All decisions of the Meeting relating to financial and budgetary matters of the Tribunal were taken on the basis of the recommendations of the working group.

1. Draft budget proposals for 2011-2012

36. The President of the Tribunal introduced the draft budget proposals for the Tribunal for the period 2011-2012. The proposed budget amounted to €21,078,600 (see SPLOS/2010/WP.1, annex I), which represented an increase of €3,356,000 compared to the budget approved for the 2009-2010 period. The President drew the attention of delegations to the fact that, subsequent to the issuance of document SPLOS/2010/WP.1, the draft budget had been slightly reduced by €32,000, to €21,046,600, to reflect a decrease in the appropriation for the pension of judges owing to the death of a former judge.

37. The President underlined that the draft budget followed a zero-growth approach in relation to the 2009-2010 budget as well as an evolutionary approach based on the needs and optimal efficiency of the Tribunal. Elaborating on various budget lines, the President specified which among them had increased, decreased or remained unchanged in relation to the 2009-2010 budget. He underscored that the increases had been due to factors beyond the Tribunal's control, including changes in the travel costs and United Nations standard salary costs as well as a projected increase in the costs of maintenance for the premises and in the number of judges entitled to receive a pension. Conversely, the reduction in the applicable daily subsistence allowance for Hamburg as well as in the budget lines for overtime and temporary assistance for meetings, general temporary assistance, miscellaneous services and charges (including back charges), special services (external audit) and external printing had lead to decreases in the draft budget.

38. The President also noted that, in order to optimize the efficiency of the Tribunal and reduce its operational costs, administrative sessions would be held, as far as possible, in conjunction with judicial proceedings.

39. In the ensuing discussions, a number of questions were posed and proposals made by several delegations with a view to further clarifying and reducing the proposed budget. Several delegations put emphasis on the principles to be applied in the preparation of the budget, including zero growth, an evolutionary approach and optimized efficiency. Proposals were made to amend the draft budget in the light of the difficult global financial situation.

40. Those proposals were further discussed by the open-ended working group of the whole on budgetary matters. During the meeting of the open-ended working group, several questions were answered by the Registrar. On the basis of the recommendations of that working group (SPLOS/L.65), the Meeting adopted a decision in which it approved the budget of the Tribunal for 2011-2012 (SPLOS/217).

41. Following the adoption of that decision, some delegations, while not objecting to the adoption of the budget, noted that the substantial increase in the Tribunal's budget caused some concern, especially in view of the current financial crisis and limited public finances. It was proposed that States parties consider the possibility of establishing a body or mechanism to facilitate financial and budgetary discussions at the Meeting of States Parties in the future. In that connection, the Finance Committee of the Authority was referred to as an example. In addition, a view was expressed encouraging the Registrar to look into possible additional reductions in expenditures.

2. Report on budgetary matters for the financial periods 2007-2008 and 2009-2010

42. On the basis of a recommendation made by the open-ended working group of the whole on budgetary matters, the Meeting decided to take note of the report of the Tribunal on budgetary matters for the financial periods 2007-2008 and 2009-2010 (SPLOS/205), which covered the issues outlined below.

Surrender of cash surplus for the financial period 2007-2008

43. The President of the Tribunal recalled that the cash surplus as at 31 December 2009 amounted to €2,121,150. Taking into account the decision of the nineteenth Meeting of States Parties to use part of the cash surplus to finance additional appropriations required for the new salary system of judges, the Tribunal decided that the amount of €1,913,700 would be surrendered to States parties and deducted from their contributions for 2011 and for earlier financial periods, where applicable.

Provisional performance report for 2009

44. The President of the Tribunal recalled that the total expenditure for 2009 provisionally amounted to €7,294,856, representing 82.65 per cent of the approved appropriations for that year. It was noted that the underperformance was primarily due to savings under "Case-related costs" and, if the case-related costs were excluded, the performance rate would be 96.5 per cent. It was also noted that the performance of the budget for 2009-2010 would increase owing to the expenditures which would be incurred in connection with Case No. 17.

Report on action taken pursuant to the decisions concerning budgetary matters for the financial period 2007-2008 taken by the nineteenth Meeting of States Parties

45. The President recalled that, in accordance with the decision of the nineteenth Meeting of States Parties, a part of the cash surplus for 2007-2008, amounting to €784,136, had been surrendered to States parties and deducted from their assessed contributions for 2010.

Report on action taken pursuant to the decision concerning adjustment of the remuneration of members of the Tribunal

46. The President recalled that the nineteenth Meeting of States Parties had decided to set, effective 1 July 2009, the annual net base salary of the members of the Tribunal at $161,681, with the application of the post-adjustment multiplier for Hamburg. He also reported that the Tribunal had revised article 1, paragraph 2, of the Pension Scheme Regulations for members of the International Tribunal for the Law of the Sea in October 2009.

Report on action taken pursuant to the Financial Regulations of the Tribunal

47. The President of the Tribunal reported that the Tribunal, at its twenty-eighth session, had approved the establishment of a new Trust Fund for the law of the sea and decided to bring it to the Meeting of States Parties for its consideration. The new Trust Fund had been established with the Deutsche Bank in Hamburg for the purpose of providing financial assistance to enable applicants from developing countries to participate in the internship programme of the Tribunal and the summer

academy. The President encouraged contributions to the Trust Fund. The President informed the Meeting that a contribution of €25,000 had been made to the Trust Fund by a company from the Republic of Korea. The President also referred to other related matters addressed in the report.

3. Composition of the staff pension committee of the Tribunal

48. The President of the Tribunal introduced the note by the Tribunal on the nomination of a member and an alternate member to the staff pension committee of the Tribunal (SPLOS/206).

49. After consideration by the open-ended working group of the whole on budgetary matters, the Meeting adopted the draft decision relating to the staff pension committee of the Tribunal (SPLOS/206, annex) without amendment.

50. With respect to the nomination of the new member and alternate member of the committee, the Coordinator of the working group informed the Meeting that Indonesia had been nominated to act as a member. No nominations were made for the position of alternate member. The Coordinator agreed to continue consultations and advise the Secretariat on the matter in due course.

4. Adjustment of the remuneration of members of the Tribunal

51. The President of the Tribunal introduced the note on the adjustment of the remuneration of members of the Tribunal (SPLOS/207 and Corr.1). He recalled that, as a result of General Assembly resolution 64/231, the remuneration of the members of the International Court of Justice had slightly increased, effective 1 January 2010. Owing to an unchanged annual base salary and a reduced post-adjustment multiplier, the monthly annual allowance of the members of the Tribunal had decreased by 6.67 per cent in United States dollars and 2.59 per cent in euros from December 2009 to January 2010. The President further recalled that the Meeting of States Parties had decided to maintain equivalence between the levels of remuneration of the judges of the Tribunal and the judges of the Court, and that the remuneration of the judges of the Tribunal should not decrease during the judges' term of office. In that regard, the President proposed that, effective 1 January 2010, the annual remuneration of the members of the Tribunal be adjusted in line with that of the members of the Court, as a result of which the monthly remuneration of judges of the Tribunal would remain approximately the same as in 2009.

52. Following the presentation of the recommendations of the open-ended working group of the whole on budgetary matters (SPLOS/L.64), one delegation observed that the equivalence of salaries between the judges of the Tribunal and those of the Court had to be applied mutatis mutandis. That delegation expressed concern that the post-adjustment multiplier used for all members of the Tribunal was the one that had been established by the International Civil Service Commission (ICSC) for Hamburg, the seat of the Tribunal, even though only the President resided in that city. It suggested that the post-adjustment multiplier to be applied should be that of each judge's place of residence and, consequently, the words "as appropriate" should have been included in the draft decision. Furthermore, it underscored that since the post-adjustment reflected variations in purchasing power, a reduction of the post-adjustment could not be considered a reduction of the emoluments. In addition, it observed that while the General Assembly had decided to apply to the judges of the International Court of Justice the methodology used by ICSC for

United Nations staff members, the Meeting of States Parties had not taken such a decision for judges of the Tribunal as States parties were not in a position to make informed decisions on the applicability of that methodology to the Tribunal. It also expressed the view that the salary scales of ICSC might not be commensurate to the nature of the work and independence of the functions of the judges. It also expressed reservations about the possibility of adjusting automatically the remuneration of judges, since that would undermine the authority of the Meeting of States Parties. In that connection, it was noted that according to article 18, paragraph 5, of the Statute of the Tribunal the remuneration of judges should be determined "from time to time" at the Meeting of States Parties. It was suggested, therefore, that such decisions be taken every three years, instead of annually.

53. Several delegations were of the view that the work of the Meeting could be facilitated by creating an advisory body or mechanism to assist States parties in reviewing budgetary and financial matters.

54. The Meeting then adopted a decision on the adjustment of the remuneration of members of the Tribunal which reflected the proposal made by the working group (SPLOS/215).

55. Following the adoption of the decision, a delegation stated that the equivalence of remuneration levels between the judges of the Tribunal and those of the Court was a viable approach only if applied mutatis mutandis. That delegation was of the view that changes in methodology in relation to the remuneration of the judges of the International Court of Justice needed to be discussed by States parties as to their application to the remuneration of the judges of the Tribunal. Furthermore, the appropriateness of using the post-adjustment multiplier for Hamburg needed to be further discussed in the future. To that end, it was suggested that the Tribunal provide information also on alternative practices. Moreover, the suggestion to consider the establishment of a body to assist States in reviewing budgetary and financial matters was reiterated.

56. Some delegations emphasized that all international judges should be treated in an equal manner.

5. Financial support for the International Tribunal for the Law of the Sea by Germany

57. Introducing document SPLOS/210, which contained information on its financial support for the Tribunal beyond its assessed contribution, Germany emphasized that such additional financial support reflected its pride in hosting the Tribunal and served to acknowledge the importance of the Tribunal's work.

V. Information on the activities of the International Seabed Authority

58. The Secretary-General of the Authority, Nii Allotey Odunton, provided information on the activities carried out by the Authority during the past 12 months.

59. Notably, during the sixteenth session of the Authority, the Council had adopted the Regulations on prospecting and exploration for polymetallic sulphides in the

Area, together with an accompanying resolution to deal with the issue of overlapping claims. The Assembly had approved the Regulations on 7 May 2010.

60. The Secretary-General of the Authority informed the Meeting that the Regulations would permit qualified entities to obtain 15-year exploration licences over prospective areas that were reasonable in size in order to provide an incentive for future commercial operations, without resulting in monopolization of known resources, and that the environmental provisions included explicit reference to the need to protect vulnerable marine ecosystems in line with relevant General Assembly resolutions. He drew the attention of the Meeting to the fact that the Regulations included a clause which required the Council to undertake a review of the way in which enterprises had operated after five years.

61. The Secretary-General of the Authority recalled that on 7 May 2010, the first application for an exploration licence had been submitted by the China Ocean Mineral Resources Research and Development Association (COMRA), covering an area on the South West Indian Ridge. The application would be considered by the Legal and Technical Commission at its next meeting, in 2011.

62. The Secretary-General of the Authority informed the Meeting of the decision on the future size and composition of the Legal and Technical Commission and of the procedures for nomination of candidates to that body. Nominations of well-qualified candidates were encouraged. It was also noted that the work of the Legal and Technical Commission had increased over the past five years and was expected to continue to do so as the pace of activity in the Area increased.

63. The Secretary-General of the Authority recounted the unprecedented decision taken by the Council, on the basis of consensus, to request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to provide an advisory opinion under article 191 of the Convention. He observed that that decision represented a sign of the growing maturity of the institutions created by the Convention as well as a sign of States parties' confidence in the role of the Tribunal.

64. The Secretary-General of the Authority encouraged States parties to take note of the request for the advisory opinion, which included questions relating to the legal responsibilities and obligations of States parties with respect to the sponsorship of activities in the Area in accordance with the Convention; the extent of liability of a State party for any failure to comply with the provisions of the Convention; and the necessary and appropriate measures that a sponsoring State must take in order to comply with its responsibility under the Convention.

65. The Secretary-General of the Authority emphasized the important role of the Authority as the only body with global regulatory authority in areas beyond national jurisdiction. He stressed that the standards and measures it had adopted would inevitably provide a benchmark for national measures to protect the marine environment from the harmful effects of seabed activities subject to national jurisdiction, particularly for those countries having insufficient legislative framework.

66. The Meeting took note of the intention of the Authority to convene a workshop to further a proposal aimed at developing a regional environmental management plan for the Clarion-Clipperton Zone in the Central Pacific, which was the prime area of interest for polymetallic nodules.

67. Delegations also noted the recent steps taken by the Authority to organize a workshop in cooperation with the global scientific community to consider how best to conserve and manage fragile ecosystems, such as hydrothermal vents and cold seeps. It was remarked that the results of the workshop would be submitted to the Legal and Technical Commission in 2011 for the preparation of guidelines on the environmental data and techniques to be used by future contractors. The work of the Authority with other organizations, including the Convention on Biological Diversity and the OSPAR Commission, to develop appropriate regional measures to protect the marine environment was also recalled.

68. With respect to finance and budgetary matters, the Secretary-General of the Authority informed the Meeting that as at June 2010, 86 per cent of assessed contributions had been received compared to 83 per cent at the same time in 2009. He expressed his appreciation to member States that had paid their assessed contributions in full and on time and recalled that contributions were due and payable by 1 January of each year. It was noted that a large number of States parties were still in arrears. Such States were urged to fulfil their obligations. It was further observed that a few States members of the Authority had not yet taken the necessary steps to become party to the Agreement relating to the implementation of Part XI of the Convention. Those States were urged to do so as soon as possible.

69. Several delegations welcomed the adoption by the Council of the Regulations on prospecting and exploration for polymetallic sulphides.

70. Some delegations noted positively that the Regulations included specific environmental protection provisions that were stronger than the comparable provisions of the Regulations governing exploration for polymetallic nodules. It was also pointed out that the new Regulations contained a more specific role for the Legal and Technical Commission regarding the management of activities which might have a harmful effect on the environment. This was seen as part of a positive trend of the Authority towards giving greater consideration to environmental issues, a trend which was in line with the Authority's mandate, in particular article 145 of the Convention.

71. It was stated that the Regulations already adopted, as well as the draft regulations regarding cobalt-rich ferromanganese crusts, complemented the regulatory regime on activities in the Area. It was suggested that the secretariat of the Authority undertake a preliminary study on issues regarding development and exploitation codes for the Area. It was also noted that the Authority should address practical issues regarding the implementation of article 82 of the Convention, in particular to devise a scheme for the dispersal of resources from the continental shelf beyond 200 nautical miles in view of the work done on the delineation on the outer limits of the continental shelf beyond 200 nautical miles in many areas.

72. Some delegations highlighted the significance of the decision by the Council to request the Seabed Disputes Chamber of the Tribunal to provide an advisory opinion under article 191 of the Convention, particularly in view of the fact that activities on the deep seabed had already commenced.

73. The importance of the Trust Fund to facilitate the participation of developing States in the work of the Authority was emphasized. Appreciation was expressed for the work of the Authority and COMRA in capacity-building. The holding of more workshops and outreach programmes by the Authority was noted with satisfaction.

74. Some delegations recalled with appreciation the decision of the Council to limit the size of the Legal and Technical Commission to 25 members. It was also recalled that the budget of the Authority had been reduced and that the scale of contributions had been reviewed. It was hoped that that trend could be maintained in the coming years.

75. The low level of participation by States at the sessions of the Authority was pointed out with concern. Hope was expressed for significant progress to be made on the work on the regulations regarding cobalt-rich ferromanganese crusts during the upcoming seventeenth session.

76. The Meeting took note with appreciation of the information reported by the Secretary-General of the Authority.

VI. Matters related to the Commission on the Limits of the Continental Shelf

A. Information reported by the Chairperson of the Commission

77. The Chairperson of the Commission, Alexandre Tagore Medeiros de Albuquerque, made a statement providing information on the activities carried out by the Commission since the nineteenth Meeting of States Parties.[8] The statement was based on his letter of 30 April 2009 addressed to the President of the nineteenth Meeting of States Parties (SPLOS/209).

78. Following the statement by the Chairperson, several delegations commended the work of the Commission, highlighting its significance not only for States that made submissions but also for the international community in general. Appreciation was also expressed to the Division for Ocean Affairs and the Law of the Sea for the support it provided to States and the Commission. The recommendations adopted by the Commission and the availability of summaries of those recommendations on the website of the Commission were welcomed.

79. One delegation informed the Meeting that it was gathering and processing scientific data with a view to making a revised submission, following the receipt of the recommendations adopted by the Commission in regard of its original submission.

80. A view was expressed that the timeline established by article 4 of Annex II to the Convention did not apply to States that had already made a submission if they intended to make new or revised submissions or additional partial submissions.

81. The Meeting took note with appreciation of the information reported by the Chairperson of the Commission.

B. Workload of the Commission

82. Following his statement, the Chairperson gave a slide presentation in which he recalled several issues which made the workload of the Commission more

[8] For more information on the work of the Commission during its twenty-fourth and twenty-fifth sessions, see CLCS/64 and CLCS/66.

burdensome and recounted measures adopted by the Commission to address its workload. Notably, as a short-term measure, in the case of the last four submissions taken up for consideration, the Commission had decided to make exceptions to its Rules of Procedure by establishing a fourth subcommission, even though there still were three subcommissions that were actively considering other submissions. As a medium-term measure, the Commission had extended itself to its maximum current capacity regarding the number of work weeks that could be carried out by its members on United Nations premises and in their home countries. The Chairperson concluded that without financial support the most important suggestions made by the Informal Working Group on the workload of the Commission could not be implemented.

83. Following the presentation made by the Chairperson, the Coordinator of the Informal Working Group, Eden Charles, reported its work. He then introduced document SPLOS/212, entitled "Possible elements for inclusion in the draft decision of the twentieth Meeting of States Parties on the workload of the Commission on the Limits of the Continental Shelf".

84. During the discussions that followed, several delegations expressed appreciation for the information provided by the Chairperson of the Commission and the Coordinator of the Informal Working Group. Support was expressed for continuing the work in the Informal Working Group. Some delegations noted with appreciation the work of the secretariat in preparing document SPLOS/208, which provided useful insight on options to address the issue of the workload of the Commission.

85. While concern was expressed about the workload of the Commission, it was recognized that the current situation was not the fault of States parties or the Commission. It was stated that submitting States were not in a position to retain technical and scientific capacity for periods of up to 20 years while waiting to engage with the Commission for the consideration of their submission. Several delegations highlighted the need for the Commission to work as expeditiously as possible. Support was expressed for the exceptions made by the Commission, through the establishment of a fourth subcommission, to the application of rule 51 of the Rules of Procedure.

86. It was emphasized that the workload of the Commission directly impacted the expectations of all States. It was recalled that the Secretary-General of the Authority, in his report at the sixteenth session, had stated that it could be realistically anticipated that the first commercial production of resources from the outer continental shelf would occur by 2015.[9] Another observation contained in the same report was recalled, namely that "[a]n obvious difficulty for the Authority and its member States is that, until the precise delineation of all areas of continental shelf beyond 200 nautical miles is known, the geographic limits of the Area cannot be established with any certainty".[10]

87. With respect to section V.A of document SPLOS/208, several delegations expressed the view that more frequent and longer meetings of subcommissions were

[9] ISBA/16/A/2, para. 72, citing ISA Technical Study No. 5 (2010), "Non-living Resources of the Continental Shelf Beyond 200 Nautical Miles: speculations on the implementation of article 82 of the United Nations Convention on the Law of the Sea".

[10] ISBA/16/A/2, para. 74.

necessary, whereas more frequent plenaries of the Commission might not be necessary. However, the distribution of the existing number of weeks of plenary work among a greater number of sessions of the Commission was suggested as a way to facilitate the adoption of recommendations by the Commission. It was recognized that increasing the length and frequency of sessions of the Commission would have repercussions on the Trust Fund established for the purpose of defraying the cost of participation of members of the Commission from developing States in the meetings of the Commission.

88. With respect to section V.B of document SPLOS/208, a view was expressed that the secretariat should be further strengthened and that more technical support should be provided to facilitate more frequent meetings of the subcommissions.

89. With respect to section V.C of document SPLOS/208, some delegations expressed their openness to the idea of the Commission operating on a full-time basis, particularly after the election of Commission members in 2012. Nominations could be made, and members elected, on the understanding that members were to serve on a full-time basis. However, reservations were also expressed about the Commission serving on a full-time basis. It was stated that a dedicated secretariat was a necessary prerequisite to the establishment of a full-time Commission.

90. According to some delegations, remote working of the Commission and the use of teleconferencing methods, as mentioned in section V.D of document SPLOS/208, could be implemented, where practicable, taking due account of factors such as members' access to proper technologies and the confidentiality of submissions.

91. With respect to reducing the size of the subcommissions, dealt with in section V.E of document SPLOS/208, a view was expressed that such a measure might augment efficiency in the work of the Commission. However, the need for a balance in subcommissions in terms of scientific expertise and regional representation was also emphasized. It was noted that adequate staffing and other facilities should be provided by the secretariat.

92. Doubts were expressed with regard to measures described in section V.F of document SPLOS/208, namely assistance to the Commission from other bodies. It was underscored that submitting States provided the Commission with sufficient technical information and that the Commission had the required technical expertise to consider submissions.

93. It was stated that the measures addressed in section V.G of document SPLOS/208, namely forward planning and internal procedures of the Commission, did not have direct financial implications for the Commission or the secretariat.

94. With respect to section V.H of document SPLOS/208, on the increased use of the Trust Fund to facilitate the participation of members in the work of the Commission, a number of delegations recalled their contributions to the Trust Fund and underscored that such contributions helped to address the workload of the Commission.

95. In that connection, Japan announced its pledge to make a contribution of approximately $280,000 to the voluntary Trust Fund. States that were able to do so were urged to make contributions to the Trust Fund.

96. Regarding financing options for addressing the workload of the Commission, a view was expressed that, although the Meeting of States Parties had previously decided not to grant Commission members emoluments and expenses while they performed Commission duties, given the exceptional nature of the situation, all options should remain under consideration. Furthermore, it was mentioned that funding the Commission through the regular budget of the United Nations would be inconsistent with the Convention. It was also suggested that the terms of reference of the Trust Fund be amended to include other expenses incurred by the members in the performance of Commission work.

97. It was stated that the provisions contained in Annex II to the Convention should not be interpreted too restrictively, thus creating an economic link between the nominating State and its member that could undermine a member's independence and impartiality. It was also noted that developing States did not have the capacity to enter into long-term and full-time funding arrangements for their Commission members. Moreover, that might adversely affect the ability of all developing States to nominate experts to serve on the Commission. Nonetheless, the duty of the nominating State to defray the costs of its member was emphasized by a number of delegations, which also recognized the burden that it imposed on nominating States.

98. Regarding Annex II to the Convention, it was underscored that, as long as decisions taken by the Meeting of States Parties were in compliance with the Convention, all options proposed to address the workload of the Commission should be considered, even those that might appear to be at variance with Annex II.

99. The Meeting continued its discussions on this item in an open-ended working group of the whole coordinated by the Vice-President, Eden Charles. The working group prepared a draft decision for the plenary (SPLOS/L.66). While not objecting to its adoption, several delegations stated that references in the preamble of the draft decision to articles 76 and 77 of the Convention appeared unnecessary inasmuch as they dealt with legal issues, while the draft decision addressed practical measures to address the workload of the Commission. It was requested that paragraph 2 of the draft decision include a request to the informal working group to report to the twenty-first Meeting of States Parties.

100. The Meeting adopted the decision regarding the workload of the Commission on the Limits of the Continental Shelf (SPLOS/216), as proposed by the working group.

VII. Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea

101. The Meeting had before it the annual reports of the Secretary-General on oceans and the law of the sea (A/64/66/Add.1 and Add.2 and A/65/69). Delegations expressed their appreciation to the Secretary-General and to the Division for the useful and comprehensive reports. It was noted that the reports covered the period 2008-2009 and referred to events more than a year old. A view was expressed that the time frame for the publication of such reports did not enable the Meeting to discuss up-to-date information.

102. Some delegations reiterated that the Convention provided the legal framework for all activities in the oceans and seas.

103. With respect to the report issued as document A/65/69 and the upcoming eleventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, it was noted that for that report the Secretary-General had not been mandated to perform a comprehensive global assessment of the capacity-building needs of States in relation to ocean affairs and the law of the sea. Therefore, the report was relevant as a starting point for further work to be developed on the topic. It was felt that a comprehensive inventory of the current capacity-building activities and initiatives of States, relevant intergovernmental organizations, industry, non-governmental organizations and other stakeholders might be useful.

104. A view was expressed that capacity-building was not solely a means for States to implement international commitments but rather, and more importantly, a means for effective participation in economic activities for many developing States. Several delegations were concerned that developing States generally had limited capacity to exercise their rights under the Convention and to share the benefits. They looked forward to discussing those issues at the upcoming meeting of the Informal Consultative Process.

105. Some delegations pointed out particular areas where capacity-building in ocean affairs and the law of the sea was lacking. Several delegations highlighted that many States that had provided preliminary information indicative of the outer limits of their continental shelf beyond 200 nautical miles in accordance with the decision reflected in document SPLOS/183 were developing States. Such States might require capacity-building in terms of training of their human resources and accessing technology and interpretation of data. Capacity-building was also needed to enhance the capacity of developing States to participate in activities in the Area, including marine scientific research. The importance of expert workshops, seminars and meetings promoted by the International Seabed Authority was underscored.

106. It was stated that there was a need for capacity-building with respect to hydrographic surveying and nautical charting, as they were essential for the safety of navigation, life at sea and the protection of vulnerable marine ecosystems. Electronic nautical charts facilitated vessel monitoring and provided additional data for fishing and other sectoral activities.

107. Several delegations commented on the work of the International Seabed Authority, commending its adoption of the Regulations on prospecting and exploration for polymetallic sulphides. Some delegations were of the view that the regulations regarding cobalt-rich ferromanganese crusts should be adopted without delay. It was observed that scientific and legal regimes of the continental shelf and the Area were very important. In that connection, mention was made of the recent International Symposium on Scientific and Legal Aspects of the Regimes of the Continental Shelf and the Area, held in Beijing with wide participation by experts, members of the Commission, judges of the Tribunal and international scholars.

108. While noting with appreciation the work undertaken by the Commission thus far, including measures to improve its efficiency, several delegations reiterated concerns about the heavy workload of the Commission and the time frame for the consideration of submissions. Some delegations pointed out that, although all

possible measures, including improved working methods, should be explored, it was an inescapable conclusion that more resources would be required for the Commission to consider an increased number of submissions each year.

109. In connection with article 77(3) of the Convention, it was observed that the rights of a coastal State over the continental shelf did not depend on occupation or any express proclamation.

110. Several delegations referred to the issue of piracy, noting that it was not limited to the East African region. The need to strengthen national judicial systems to bring perpetrators to justice was emphasized. A view was expressed that the legal differentiation between piracy and armed robbery at sea was needed on a priority basis and that international judicial mechanisms could be considered.

111. A view was expressed that the Informal Consultative Process should be renewed. Delegations also commented on the following issues: World Oceans Day; national vessel registrations; regional monitoring, surveillance and control networks and the use of geographic information systems as an important tool in coastal zone management.

112. Divergent views were expressed concerning the mandate of the Meeting of States Parties to discuss matters of a substantive nature relating to the implementation of the Convention. It was pointed out that the global forum with the mandate to undertake an annual substantive review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea was the General Assembly and its facilitator, the Informal Consultative Process. While a number of delegations were of the view that the Meeting of States Parties should limit itself to the consideration of financial and administrative matters relating to the Tribunal, the Authority and the Commission, several delegations reiterated that the Meeting of States Parties was the forum for the exchange of views and discussions on matters of a general nature relating to the Convention. In their view, such exchange facilitated the implementation of the Convention and led to further development of the law of the sea. In support of that view, it was also noted that decisions of the Meeting of States Parties, such as those contained in document SPLOS/72, SPLOS/183 and SPLOS/201, related to the implementation of the Convention.

113. The Meeting took note of the views expressed and decided to include the item "Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States parties, that have arisen with respect to the United Nations Convention on the Law of the Sea" in the provisional agenda for the twenty-first Meeting.

VIII. Other matters

Declaration of France and Italy

114. The delegation of France informed the Meeting that the Ministers of the Environment of France and Italy had signed a declaration on 15 June 2010 regarding the Strait of Bonifacio which would constitute the basis for the establishment of a marine park. In order to ensure better protection of its fragile ecosystem, a prohibition had been proposed against vessels transporting hazardous materials in

the Strait. The International Maritime Organization (IMO) had been requested to assist in that endeavour.

Intergovernmental Oceanographic Commission

115. The representative of the Intergovernmental Oceanographic Commission of UNESCO (IOC) recalled that the General Assembly had recognized IOC as the competent international organization under the Convention in relation to marine scientific research and the transfer of marine technology. He noted that IOC was active in capacity-building activities itself and also through its Advisory Body of Experts on the Law of the Sea. In accordance with article 187 of the Convention, 41 States had participated in, and nominated experts to, the Advisory Body. States Parties that had not yet done so were encouraged to nominate their experts, while others were reminded to update the information on their nominees, as necessary. IOC also maintained close cooperation with the Division, in particular in the recent revision of the guide on marine scientific research.

Seamen's Church Institute

116. The representative of the Seamen's Church Institute drew the attention of the Meeting to the continued incidents of piracy and armed robbery off the coast of Somalia and highlighted the numerous efforts to address the problem. He voiced concern over the insufficient attention paid to the plight of merchant mariners who survived pirate attacks. He drew the attention of the Meeting to the guidelines for the post-piracy care of seafarers developed by the Institute, which were being considered by IMO. He stated that the threat of piracy created a disincentive with regard to seagoing careers. It was recommended, inter alia, that nations, international organizations and the maritime industry take an active role in addressing the worldwide crisis of recruiting and sustaining skilled merchant mariners to support maritime commerce.

Information provided by the Secretariat

117. The Secretariat provided information on the voluntary trust funds and the fellowships administered by the Division as well as on the status of their balances as at the end of May 2010.

118. In conclusion, the President of the Meeting of States Parties thanked delegations and the Secretariat for their valuable cooperation and support.